

ESTTA Tracking number: **ESTTA291236**

Filing date: **06/22/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Barry Goldman G RECORDS/ G MUSIC
Granted to Date of previous extension	06/24/2009
Address	9030 W.SaharaSuite 661 Las Vegas, NV 89117 UNITED STATES
Party who filed Extension of time to oppose	BarryGOLDman
Relationship to party who filed Extension of time to oppose	Same name , sized the spelling corectly.

Correspondence information	Barry Goldman G RECORDS/ G MUSIC 9030 W.SaharaSuite 661 Las Vegas, NV 89117 UNITED STATES legal@grecords.com Phone:702 571 0288
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Applicant Information

Application No	77077779	Publication date	02/24/2009
Opposition Filing Date	06/22/2009	Opposition Period Ends	06/24/2009
Applicant	Guion Partners, Inc. 590 Madison Avenue, 21st Floor New York, NY 10022 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Talent representation, namely, marketing, promotion, and management of performing artists and professionals in the music, film, theater, and television industries

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Dilution	Trademark Act section 43(c)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77359201	Application Date	12/25/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	G MUSIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2000/06/00 First Use In Commerce: 2000/07/00 On-line retail store services featuring consumer merchandise, namely, CD's, DVD's, downloadable pre-recorded music and video, downloadable ringtones, clothing, posters, decals, stickers, and mugs		

Attachments	77359201#TMSN.jpeg (1 page)(bytes) GMUSIC OPP.pdf (2 pages)(70511 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Barry Goldman/
Name	Barry Goldman
Date	06/22/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application No. 77077779
For the mark "GMUSIC"
Published for opposition
in the Office Gazette of **February 24, 2009**

G Records, Inc.,	:	
Opposer,	:	
	:	
- against -	:	Opposition No.
	:	
Guion Partners, Inc.,	:	
Applicant	:	
	:	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

G Records, Inc. ("Opposer"), A Nevada Corporation with a place of business at 9030 W. Sahara Ave., Las Vegas, Nevada 89117, believes that it will be damaged by the registration of the mark "GMUSIC" as shown in application Serial No. 77077779 and having been granted an extension of time until June 24, 2009 in which to oppose the application, hereby opposes the same.

The grounds for opposition are as follows:

1. Applicant filed a class 1(b) application in the U.S.P.T.O., Serial No. 77077779 on January 8, 2007.
2. U.S.P.T.O. assigned Serial No. 77077779 as a pseudo mark.
3. Opposer has registered Trademarks for G Records, G Music and G Entertainment.
4. Opposer has used the mark "G Music" since 2000.

5. Opposer's use of "G Music" precedes Applicant's filing for intended use of "GMUSIC" by seven (7) years.
6. Confusion to consumers would be caused under circumstances that could give the mistaken belief that the goods come from a common source. This would cause irreparable damage to Opposer's business and goodwill.
7. Opposer also will be damaged by the registration of the "GMUSIC" mark, in that said mark will dilute Opposer's "G Music" mark in violation of Section 43(c) of the Lanham Act (15 U.S.C. 1125 (c)).
8. There is a strong likelihood of confusion between the Opposer's registered mark and the Applicant's proposed mark.
 - a. Similarity of marks
 - b. Similarity of goods and services
 - c. Same trade channels of goods and/or services
 - d. Same commercial impression to consumers

Wherefore, Opposer requests that this opposition be sustained and the application by the Applicant to register the mark "GMUSIC" (Serial No. 77077779) be refused.